

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

CRAIG L. WASHINGTON,

Plaintiff,

v.

PULASKI COUNTY REGIONAL
DETENTION FACILITY; *et al.*,

Defendants.

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No. 4:18cv00734-SWW-JJV

PROPOSED FINDINGS AND RECOMMENDATIONS

INSTRUCTIONS

The following recommended disposition has been sent to United States District Judge Susan Webber Wright. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than fourteen (14) days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a hearing for this purpose before the District Judge, you must, at the same time that you file your written objections, include the following:

1. Why the record made before the Magistrate Judge is inadequate.
2. Why the evidence proffered at the hearing (if such a hearing is granted) was not offered at the hearing before the Magistrate Judge.

3. The details of any testimony desired to be introduced at the new hearing in the form of an offer of proof, and a copy, or the original, of any documentary or other non-testimonial evidence desired to be introduced at the new hearing.

From this submission, the District Judge will determine the necessity for an additional evidentiary hearing. Mail your objections and “Statement of Necessity” to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite A149
Little Rock, AR 72201-3325

DISPOSITION

I. DISCUSSION

On October 3, 2018, Craig L. Washington (“Plaintiff”) filed a *pro se* Complaint, pursuant to 42 U.S.C. § 1983, alleging Defendants violated his constitutional rights at the Pulaski County Regional Detention Facility. (Doc. No. 2.) On October 5, 2018, I issued an Order denying Plaintiff’s Application to Proceed Without Prepayment of Fees and Affidavit (“Application”) as incomplete, provided him with the necessary forms to resubmit a proper Application, and explained to him that this case would be dismissed if he failed to file those forms or pay the \$350 filing fee in full within thirty (30) days. (Doc. No. 3.) I mailed a copy of my Order to Plaintiff at the Pulaski County Regional Detention Facility and his home address, as provided in his Complaint. (Doc. Nos. 3 & 5.) Both were returned undeliverable. (Doc. Nos. 4 & 6.) It is Plaintiff’s obligation to provide the Court with a valid mailing address. *See* Local Rule 5.5(c)(2).

Plaintiff has not complied with my October 5, 2018 Order, and the time to do so has expired. Thus, I recommend this case be dismissed without prejudice due to a lack of prosecution.

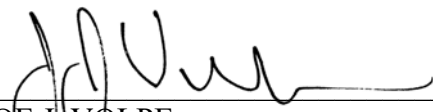
II. CONCLUSION

IT IS, THEREFORE, RECOMMENDED THAT:

1. The Complaint (Doc. No. 2) be DISMISSED without prejudice pursuant to Local Rule 5.5(c)(2).

2. The Court certify, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from an Order adopting this Recommendation and the accompanying Judgment would not be taken in good faith.

DATED this 8th day of November, 2018.



JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE